

# OCTOBER SESSION

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## Notice of Meeting of the Dodge County Board of Supervisors

There will be a meeting of the Dodge County Board of Supervisors on **Tuesday, October 15, 2013, at 7:00 PM** in the County Board Room located on the fourth floor of the Administration Building, located at 127 East Oak Street, Juneau, Wisconsin.

The Agenda for the Meeting is as follows:

Call to Order by Russell Kottke, County Board Chairman

Pledge of Allegiance

Roll Call

Approve Minutes from September 17, 2013, County Board Session

### Communications on File:

### Special Orders of Business:

#### Confirm Appointments made by County Administrator:

1. Re-appoint Karen Coley and Charles Schranz to the Loan Advisory Committee for a one year term commencing on October 19, 2013 to October 19, 2014, both inclusive.

#### Confirm Appointments made by County Board Chairman:

1. Appoint Ted Dumke to fill the unexpired term of Jerry Thomasen on the Land Information Council. His term will expire on April 29, 2014.
2. Appoint Jim Mielke to the Lake Sinissippi Improvement District Board of Commissioners.

### Bridge Memorials

### Resolutions on File:

- 13-32 Amend Town of Fox Lake Zoning Ordinance – Supervisor Pollesch.  
**Exhibits A and B are on file in the Office of the County Clerk and may be viewed there during normal business hours.**
- 13-33 County Board Compensation – Executive Committee.
- 13-34 Dodge County Budget for 2014 – County Administrator Mielke and County Board Chairman Kottke.

### Reports on File:

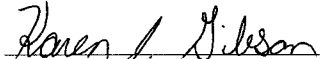
1. Ordinance No. 912 – Amend Land Use Code – JDW Properties LLC Property – Section 11, Town of Lomira – Planning, Development and Parks Committee.
2. Ordinance No. 913 – Amend Land Use Code – Robert and Kathleen Schraufnagel Trust Property – Section 8, Town of Leroy – Planning, Development and Parks Committee.

# **PROCEEDINGS OF THE DODGE COUNTY BOARD**

3. Ordinance No. 914 – Amend Wind Energy System Overlay District Provisions of the Land Use Code – Planning, Development and Parks Committee.

Set Next Meeting Date & Time

Recess

  
Karen J. Gibson, Dodge County Clerk

Any person wishing to attend who, because of a disability, requires special accommodation, should contact the Dodge County Clerk's Office at (920) 386-3600, at least 24 hours before the scheduled meeting time so appropriate arrangements can be made. The building entrance which is accessible by a person with a disability is located on the east side of the building off of Miller Street.

Any invocation that may be offered before the official start of the Board meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Board. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Board, and the Board does not endorse the religious beliefs or views of this, or any other speaker.

# OCTOBER SESSION

COMMITTEE NAME COUNTY BOARD								
MEETING DATE October 15, 2013								
						Approval <i>RK</i>	Date <i>10-16-2013</i>	
						Chair <i>Russell Keith</i>		
VENDOR	NAME	PRESENT	ABSENT	PERDIEM	MILES	AMOUNT	MEALS	AMOUNT
10023	Adelmeyer, Gerald	<i>X</i>		40.00	43	24.30		
27814	Ballweg, Robert	<i>X</i>		40.00	20	11.30		
11994	Behl, Allen	<i>X</i>		40.00	32	18.08		
19566	Berres, Jeff	<i>X</i>		40.00	42	<del>23.73</del>	<i>11.26</i>	
11970	Bischoff, Larry	<i>X</i>		40.00	20	11.30		
26899	Bobholz, Mary	<i>X</i>		40.00	28	15.82		
10068	Borchardt, Ernest	<i>X</i>		40.00	42	23.73		
10008	Caine, Chester	<i>excused</i>	<i>X</i>	40.00	17	9.61		
38934	David, Aaron	<i>X</i>		40.00	33	18.65		
10195	Duchac, Jeffry	<i>X</i>		40.00	30	16.95		
37968	Fabisch, John	<i>X</i>		40.00	20	11.30		
28760	Frohling, David	<i>X</i>		40.00	29	16.39		
43805	Gohr, Phillip	<i>X</i>		40.00	22	12.43		
16723	Grebel, Randy	<i>X</i>		40.00	13	7.35		
41853	Greshay, Richard	<i>X</i>		40.00	14	7.91		
10026	Gunderson, Donald	<i>X</i>		40.00	50	28.25		
10010	Hoelzel, Clem	<i>X</i>		40.00	32	18.08		
43806	Houchin, James	<i>X</i>		40.00	33	18.65		
25412	Johnson, Harold	<i>X</i>		40.00	54	30.51		
16348	Kottke, Russell	<i>X</i>		40.00	30	16.95		
10015	Kriewald, Howard	<i>X</i>		40.00	20	11.30		
25627	Layman, James	<i>X</i>		40.00	34	<del>19.21</del>	<i>14.60</i>	
29374	Maly, Donna	<i>X</i>		40.00	20	11.30		
14216	Marose, Paul	<i>X</i>		40.00	0	0.00		
22503	Marsik, Joseph M.	<i>X</i>		40.00	40	22.60		
10313	Mattson, Rodger	<i>X</i>		40.00	20	11.30		
34243	Miller, MaryAnn	<i>X</i>		40.00	22	12.43		
43804	Muche, William	<i>X</i>		40.00	22	12.43		
36482	Nelson, Ed	<i>X</i>		40.00	32	<del>18.88</del>	<i>14.01</i>	
10018	Pollesch, Darrell	<i>X</i>		40.00	38	21.47		
30697	Schaefer, Thomas	<i>X</i>		40.00	30	16.95		
28630	Schmitt, Jeffrey	<i>7:07</i>		40.00	18	10.17		
26089	Stousland, Glenn	<i>X</i>		40.00	20	11.30		

*Berres, layman, Nelson split mileage with Taxation*

# **PROCEEDINGS OF THE DODGE COUNTY BOARD**

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**Dodge County Board of Supervisors  
October 15, 2013 – 7:00 p.m.  
Administration Building - Juneau, Wisconsin**

The October session of the Dodge County Board of Supervisors was called to order by Chairman Russell Kottke at 7:00 p.m.

The Board rose to say the Pledge of Allegiance.

Roll call was taken by the Clerk with all Supervisors being in attendance with exception of Supervisor Caine who had been previously excused and Supervisor Schmitt. Supervisor Schmitt arrived at 7:07 p.m.

A motion was made by Supervisor Mattson and seconded by Supervisor Gohr to approve the minutes of the September 17, 2013, session of the County Board meeting as recorded, and dispense with the reading of the minutes. The motion passed by acclamation with no negative votes cast, and was so ordered by the Chairman.

**Special Orders of Business:**

The Chairman called the First Special Order of Business: Confirm appointments made by County Administrator, James Mielke. Re-appoint Karen Coley and Charles Schranz to the Loan Advisory Committee. Their terms will expire on October 19, 2014. A motion to accept the re-appointments was made by Supervisor Hoelzel and seconded by Supervisor Duchac. The motion passed by acclamation with no negative votes cast, thereby confirming the re-appointments.

The Chairman called the Second Special Order of Business: Confirm appointments made by County Board Chairman, Russell Kottke. Appoint Ted Dumke to fill the unexpired term of Jerry Thomasen on the Land Information Council. His term will expire on April 29, 2014. A motion to accept the appointment was made by Supervisor Miller and seconded by Supervisor Grebel. The motion passed by acclamation with no negative votes cast, thereby confirming the appointment.

Chairman Kottke then appointed James Mielke to the Lake Sinissippi Improvement District Board of Commissioners. A motion to accept the appointment was made by Supervisor Mattson and seconded by Supervisor David. The motion passed by acclamation with no negative votes cast, thereby confirming the appointment.

The following Bridge Memorials, Resolutions and Reports were read by the Clerk and acted upon by the Board:

**Bridge Memorials** - Highway Committee. A motion for adoption was made by Supervisor Mattson and seconded by Supervisor Fabisch. The vote was cast with all voting in the affirmative, thereby adopting the Bridge Memorials.

**Resolution No. 13-32** Amend Town of Fox Lake Zoning Ordinance – Supervisor Pollesch. A motion for adoption was made by Supervisor Behl and seconded by Supervisor Grebel. The vote was cast with all voting in the affirmative, thereby adopting the Resolution.

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**Resolution No. 13-33** County Board Compensation – Executive Committee. A motion for adoption was made by Supervisor David and seconded by Supervisor Grebel. Comments by Supervisor's Bobholz, Houchin, Schmitt, Berres, Maly, Gohr, Marose and Greshay. Supervisor Marose stated he will decline any additional pay if he is re-elected and the Resolution passes. Question by Supervisor Berres answered by Chairman Kottke. Comment by Supervisor Duchac. Question by Supervisor Schmitt answered by Chairman Kottke. At this time Supervisor Schmitt made a motion to refer the Resolution to the Executive Committee for review. Corporation Counsel, John Corey read County Board Rule #23 and stated Supervisor Schmitt's motion was in order and was debatable. The motion to refer was seconded by Supervisor Houchin. Question by Supervisor Marose answered by Supervisor Schmitt. Comment by Supervisor Ballweg. Questions by Supervisor's Ballweg, Mattson and Marose answered by Chairman Kottke. The vote was cast on the motion with 11 ayes and 21 noes, thereby defeating the motion to refer the Resolution.

**Ayes:** Kottke, Schmitt, Marsik, Grebel, Bischoff, Berres, Houchin, Marose, Miller, Stousland, Ballweg. Total 11.

**Noes:** Pollesch, Bobholz, Nelson, Greshay, Kriewald, Schaefer, Borchardt, Adelmeyer, Muche, Gohr, Johnson, Gunderson, Behl, David, Frohling, Duchac, Layman, Hoelzel, Maly, Fabisch, Mattson. Total 21.

**Absent:** Caine. Total 1.

There being no further discussion, the vote on Resolution 13-33 was cast with 20 ayes and 12 noes, thereby adopting the Resolution.

**Ayes:** Pollesch, Nelson, Marsik, Grebel, Schaefer, Adelmeyer, Muche, Johnson, Gunderson, Behl, Berres, David, Frohling, Duchac, Layman, Maly, Fabisch, Miller, Stousland, Mattson. Total 20.

**Noes:** Kottke, Bobholz, Schmitt, Greshay, Kriewald, Borchardt, Gohr, Bischoff, Houchin, Marose, Hoelzel, Ballweg. Total 12.

**Absent:** Caine. Total 1.

**Resolution No. 13-34** Dodge County Budget for 2014 – County Administrator Mielke and County Board Chairman Kottke. Chairman Kottke referred the 2014 Budget to the Finance Committee. Chairman Kottke mentioned the Finance Committee will be meeting on October 24, 2013 at 6:00 p.m. in the Auditorium of the Administration Building.

**Report No. 1** Ordinance No. 912 – Amend Land Use Code – JDW Properties LLC Property – Section 11, Town of Lomira – Planning, Development and Parks Committee. A motion for adoption was made by Supervisor Johnson and seconded by Supervisor Muche. The vote was cast with all voting in the affirmative, thereby adopting the Report and Ordinance.

Supervisor Ballweg questioned whether in order for Resolution 13-33 to be adopted, would it be necessary for a simple majority of the members present or 2/3 of the members present to vote in favor of the Resolution. Chairman Kottke asked Corporation Counsel, John Corey for his opinion. Mr. Corey asked for time to conduct legal research to make a determination.

The meeting continued with the Clerk reading and the Board acting upon the following Reports:

**Report No. 2** Ordinance No. 913 – Robert and Kathleen Schraufnagel Trust Property – Section 8, Town of Leroy – Planning, Development and Parks Committee. A motion for adoption was made by Supervisor Johnson and seconded by Supervisor David. The vote was cast with all voting in the affirmative, thereby adopting the Report and Ordinance.

# **PROCEEDINGS OF THE DODGE COUNTY BOARD**

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**Report No. 3** Ordinance No. 914 – Amend Wind Energy System Overlay District Provisions of the Land Use Code – Planning, Development and Parks Committee. A motion for adoption was made by Supervisor Marsik and seconded by Supervisor Grebel. The vote was cast with all voting in the affirmative, thereby adopting the Report and Ordinance.

James Mielke, County Administrator handed out the 2014 Dodge County Budget Books.

The Clerk noted the following had been placed on the Supervisor's desks: a 2014 Pocket Calendar. The Chairman ordered this item be placed on file.

Mr. Mielke commented on the 2014 Dodge County Budget.

Mr. Corey reported to the Board that he would need additional time to properly answer Supervisor Ballweg's question regarding Resolution 13-33. \*

At 8:00 p.m. Supervisor Frohling made a motion to recess until November 12, 2013 at 9:00 a.m. Supervisor David seconded the motion. The motion passed by acclamation, with no negative votes cast, and was so ordered by the Chairman.

\*On October 16, 2013, Mr. Corey informed Chairman Kottke that only a simple majority vote was necessary to adopt Resolution 13-33, therefore the Resolution was adopted.

Disclaimer: The above minutes may be approved, amended or corrected at the next meeting.

# OCTOBER SESSION

## DODGE COUNTY HIGHWAY REPORT NO. 1 COUNTY AID BRIDGE MEMORIALS

TO THE HONORABLE BOARD OF SUPERVISORS, DODGE COUNTY, WISCONSIN

Members:

Your Highway Committee, to whom the following County Aid Bridge Memorials were referred:

<u>TOWN</u>	<u>BRIDGE NAME</u>	<u>ROAD</u>	<u>C.A.B. NO.</u>
Elba	Crawfish River	Ninabuck Road	332-12-06
Clyman	Bruni	Willow Road	332-12-07
Hustisford	Miller	Oaklawn Road	332-13-01
Lomira	Greene	West Line Road	332-13-02
Theresa	Steger	West Bend Road	332-13-03
Oak Grove	Pilsner	Main Street Road	332-13-04
Oak Grove	Nehls	St. Helena Road	332-13-05
Hustisford	Pieper	Elmwood Road	332-13-06
Ashippun	Conley	Jefferson Road	332-13-08

hereby beg leave to recommend favorably upon said County Aid Bridge Memorials.

All of which is respectfully submitted.

Dated at Juneau, Wisconsin, this 15th day of October, 2013.

  
Harold J. Johnson - Chairman

Vote on Foregoing Report


Ayes 31 Noes 0 Absent 2

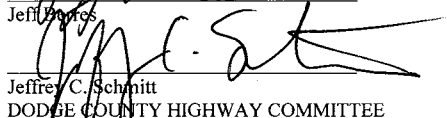
  
Chester Caine - Vice Chairman

Adopted October 15, 2013  
REPORT

  
Randy Greber - Secretary

  
COUNTY CLERK

  
Jeff Berres

  
Jeffrey C. Schmitt  
DODGE COUNTY HIGHWAY COMMITTEE

# PROCEEDINGS OF THE DODGE COUNTY BOARD

## RESOLUTION NO. 13-32

TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY,  
WISCONSIN

WHEREAS, Dodge County, a Body Corporate under the laws of the State of Wisconsin, has adopted a comprehensive Zoning Ordinance which is in full force and effect, and

WHEREAS, the Town Board of Fox Lake has adopted an amended Town Zoning Ordinance for said town, the power to adopt a town zoning ordinance having been granted by referendum vote of the electors of the Town of Fox Lake held at the time of a regular annual Town meeting, and

WHEREAS, pursuant to Section 60.62(3) of the Wisconsin Statutes adoption and amendment of a town zoning ordinance by a town board is subject to approval of the County Board in counties having a zoning ordinance in force and effect, and

WHEREAS, a public hearing as to the proposed amendments to the town zoning ordinance of the Town of Fox Lake was held by the Town Board of the Town of Fox Lake and the proposed amendments to the Zoning Ordinance of the Town of Fox Lake having been adopted by the Town Board of the Town of Fox Lake on August 12, 2013

THEREFORE BE IT RESOLVED: That the amendments to the Town Zoning Ordinance of the Town of Fox Lake as represented by "Exhibit A" and "Exhibit B" attached to and made a part of this resolution be and hereby is approved, by the Board of Supervisors of Dodge County, Wisconsin.

All of which is respectfully submitted this 15 day of October, 2013

ADOPTED  
BY DODGE COUNTY BOARD

OCT 15 2013

AYES 31 NOES 0  
ABSENT 0  
ABSTAIN 0

*Karen J. Tilson*  
County Clerk

*Darrell Pollesch*  
Darrell Pollesch, Supervisor



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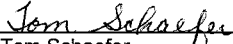
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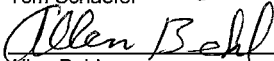
TO THE HONORABLE DODGE COUNTY BOARD OF SUPERVISORS

We the Dodge County Planning, Development and Parks Committee, hereby report favorably on the petition of the Town of Fox Lake requesting approval of the revised Zoning Ordinance and Zoning Map, Town of Fox Lake, Dodge County, Wisconsin, as represented by Exhibit A and Exhibit B respectively, for the purpose bringing the Town of Fox Lake Zoning Ordinance into compliance with the zoning district requirements of Chapter 91, Wisconsin Statutes which will allow for citizen participation in the Wisconsin Farmland Preservation Program and recommend approval of the resolution submitted by the Town of Fox Lake for this petition.

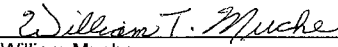
The committee has reviewed the rezoning petition in accord with s. 60.62(3) Wisconsin Statutes and finds the Town has followed the proper procedures in order to amend the Town Ordinance and Zoning Maps.

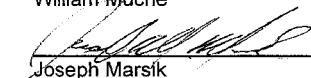
Respectfully submitted this 15 day of October, 2013

  
Tom Schaefer

  
Allen Behl

  
Randy Grebel

  
William Muche

  
Joseph Marsik

Planning, Development and Parks  
Committee

# PROCEEDINGS OF THE DODGE COUNTY BOARD

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RESOLUTION NO. 13-33

TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN MEMBERS,

**WHEREAS**, the last increase in compensation paid to members of the Dodge County Board of Supervisors for attendance at meetings of the County Board and for attendance at meetings of Committees of the County Board occurred in April of 1998, at which time compensation paid to:

1. County Board members for attendance at County Board meetings was increased from \$35 per meeting to \$40 per meeting;
2. County Board members for attendance at County Board Committee meetings was increased from \$35 per meeting to \$40 per meeting, with a maximum of two meetings compensated for in any one day;
3. Chairpersons of County Board Committees for attendance at County Board Committee meetings at which they preside as chairperson, was established at \$45 per meeting; and,
4. The chairperson of the County Board for attendance at County Board meetings at which the County Board chairperson presides as chairperson, was increased from \$40 per meeting to \$45 per meeting; and,

**WHEREAS**, Section 59.13(2)(b), of the *Wisconsin Statutes*, authorizes the County Board by a two-thirds vote of the members present to increase from 30 the number of days for which compensation and mileage may be paid in any year to members of County Board Committees for attendance at County Board Committee meetings, and to fix the compensation for each additional day; and,

**WHEREAS**, the undersigned Committee has reviewed these matters and has concluded that due to the facts of inflation and the general increase in costs of doing business, and pursuant to Section 59.10(1)(c), of the *Wisconsin Statutes*, compensation to be paid to:

1. County Board members for attendance at County Board meetings should be increased from \$40 per meeting to \$50 per meeting;
2. County Board members for attendance at County Board Committee meetings should be increased from \$40 per meeting to \$50 per meeting, with a maximum of two meetings compensated for in any one day;
3. Chairpersons of County Board Committees for attendance at County Board Committee meetings at which they preside as chairperson, should be increased from \$45 per meeting to \$55 per meeting;
4. The chairperson of the County Board for attendance at meetings of the County Board at which the County Board chairperson presides as chairperson, should be increased from \$45 per meeting to \$55 per meeting;

## OCTOBER SESSION

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5. Individuals who are not County Board members but who are members of County Board Committees or County Commissions or County Boards, other than the County Board of Supervisors, for attendance at meetings of County Board Committees or County Commissions or County Boards, other than the County Board of Supervisors, should be increased from \$40 per meeting to \$50 per meeting, with a maximum of two meetings compensated for in any one day; and,
6. Individuals who are not County Board members but who are members of County Board Committees or County Commissions or County Boards, other than the County Board of Supervisors, for attendance at meetings of County Board Committees or County Commissions or County Boards, other than the County Board of Supervisors, at which they preside as chairperson, should be increased from \$45 per meeting to \$55 per meeting; and,

**WHEREAS**, the undersigned Committee has reviewed the current limit of 125 days for which compensation and mileage may be paid in any year for attendance at County Board Committee meetings, and has concluded that the current limit of 125 days is sufficient to allow members of County Board Committees to attend all meetings necessary; and,

**WHEREAS**, the undersigned Committee has reviewed these matters and has concluded that, due to increases in the scope and complexity of the administration of county government, and due to the facts of inflation and the general increase in costs of doing business, the matter of compensation paid to the individuals described in Paragraphs 1 through 6, above, should be reviewed by the undersigned Committee biennially;

**SO, NOW, THEREFORE, BE IT RESOLVED**, that the compensation paid to:

1. County Board members for attendance at County Board meetings shall be increased from \$40 per meeting to \$50 per meeting;
2. County Board members for attendance at County Board Committee meetings shall be increased from \$40 per meeting to \$50 per meeting, with a maximum of two meetings compensated for in any one day;
3. Chairpersons of County Board Committees for attendance at County Board Committee meetings at which they preside as chairperson, shall be increased from \$45 per meeting to \$55 per meeting;
4. The chairperson of the County Board for attendance at County Board meetings at which the County Board chairperson presides as chairperson, shall be increased from \$45 per meeting to \$55 per meeting;
5. Individuals who are not County Board members but who are members of County Board Committees or County Commissions or County Boards, other than the County Board of Supervisors, for attendance at meetings of County Board Committees or County Commissions or County Boards, other than the County Board of Supervisors, shall be increased from \$40 per meeting to \$50 per meeting, with a maximum of two meetings compensated for in any one day;

# PROCEEDINGS OF THE DODGE COUNTY BOARD

6. Individuals who are not County Board members but who are members of County Board Committees or County Commissions or County Boards, other than the County Board of Supervisors, for attendance at meetings of County Board Committees or County Commissions or County Boards, other than the County Board of Supervisors, at which they preside as chairperson, shall be increased from \$45 per meeting to \$55 per meeting; and,

**BE IT FURTHER RESOLVED**, that the number of days for which compensation and mileage may be paid to members of County Board Committees for attendance at County Board Committee meetings shall remain at 125 days; and,

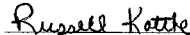
**BE IT FURTHER RESOLVED**, that days of attendance at County Board meetings are not included in the limitation of 125 days for which compensation and mileage may be paid to members of the County Board Committees for attendance at County Board Committee meetings; and,

**BE IT FURTHER RESOLVED**, that the matter of compensation paid to the individuals described in Paragraphs 1 through 6, above, shall be reviewed by the undersigned Committee biennially; and,

**BE IT FINALLY RESOLVED**, that this Resolution shall be in full force and effect beginning April 15, 2014.

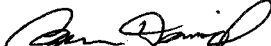
All of which is respectfully submitted this 15<sup>th</sup> day of October, 2013.


**Dodge County Executive Committee:**

  
Russell Kottke


  
David Frohling

Ernest Borchardt

  
Aaron David

  
Harold J. Johnson

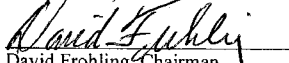
  
Larry Bischoff

  
Mary Ann Miller

**FISCAL NOTE:**

Fiscal Impact on the adopted 2014  
Budget: \$14,700.00

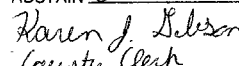
Fiscal Impact reviewed by the  
Dodge County Finance Committee  
on October 8, 2013.

  
David Frohling, Chairman  
Dodge County Finance Committee

ADOPTED  
BY DODGE COUNTY BOARD

OCT 15 2013

AYES 20 NOES 12  
ABSENT 1  
ABSTAIN 0

  
Karen J. Lilson  
County Clerk

## OCTOBER SESSION

TO THE HONORABLE DODGE COUNTY BOARD OF SUPERVISORS

We, the Dodge County Planning, Development and Parks Committee, hereby report favorably on the petition of JDW Properties LLC requesting amendment of the Land Use Code, Dodge County, Wisconsin, to rezone approximately 10.3-acres of land from an A-2 General Agriculture Zoning District to a C-2 Extensive Commercial Zoning District in part of the NE ¼, SW ¼, Section 11, Town of Lomira, for the purpose of bringing the commercial marina use into better compliance with the Code and recommend adoption of the attached ordinance.

The committee has reviewed and considered the facts presented in the application and received at the public hearing and finds that the criteria listed in Section 2.3.4.I of the Dodge County Land Use Code can be met for this proposal. The committee finds that the proposal is consistent with the Dodge County Comprehensive Plan and the stated purposes of the Dodge County Land Use Code. The committee finds that the proposal will not result in significant adverse impacts upon the surrounding properties or the natural environment and further finds that the land proposed for rezoning is suitable for development and will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas. The committee finds that the proposal will not be used to legitimize or spot zone a nonconforming use or structure and finds that the rezoning is the minimum action necessary to accomplish the intent of the petition.

Respectfully submitted this 15th day of October, 2013.

ADOPTED  
BY DODGE COUNTY BOARD

OCT 15 2013

AYES 32 NOES 0

ABSENT 7

ABSTAIN 0

*Raren J. Hilson*  
*County Clerk*

*Tom Schaefer*  
Tom Schaefer

*Allen Behl*  
Allen Behl

*Randy Grebel*  
Randy Grebel

*Joseph Marsik*  
Joseph Marsik

*William T. Muche*  
William Muche

Planning, Development and Parks Committee

# PROCEEDINGS OF THE DODGE COUNTY BOARD

Ordinance No. 912

An Ordinance amending the Land Use Code, Dodge County, Wisconsin by placing certain lands in Section 11, T13N, R17E, Town of Lomira, in the C-2 Extensive Commercial zoning district.

Whereas the subject matter of this Ordinance has been duly referred to and considered by the Dodge County Planning, Development and Parks Committee and a public hearing having been held, after the giving of requisite notice of said hearing and a recommendation thereon having been reported to the Board of Supervisors, Dodge County, Wisconsin as required by section 59.69 of the Wisconsin Statutes.

Whereas the Dodge County Planning, Development and Parks Committee has reviewed and considered the facts presented in the application and received at the public hearing relating to the subject matter of this Ordinance for compliance with the criteria listed in Section 2.3.4.1 of the Dodge County Land Use Code.

Whereas the Dodge County Planning, Development and Parks Committee has found that the criteria listed in Section 2.3.4.1 of the Dodge County Land Use Code can be met for this proposal and has further found that the proposal is consistent with the Dodge County Comprehensive Plan and the stated purposes of the Dodge County Land Use Code. Furthermore, this Committee has found that the proposal will not result in significant adverse impacts upon the surrounding properties or the natural environment, that the land proposed for rezoning is suitable for development and will not have an unreasonable effect on rare or irreplaceable natural resources, that the proposal will not be used to legitimize or spot zone a nonconforming use or structure and that the rezoning is the minimum action necessary to accomplish the intent of the petition.

The County Board of Supervisors of the County of Dodge does ordain as follows:

Section 1. The "official zoning map" adopted with the Land Use Code, Dodge County, Wisconsin on March 21, 2000 is hereby amended as shown on the map attached hereto and made part of this Ordinance.

Section 2. This Ordinance shall be effective upon enactment and publication.

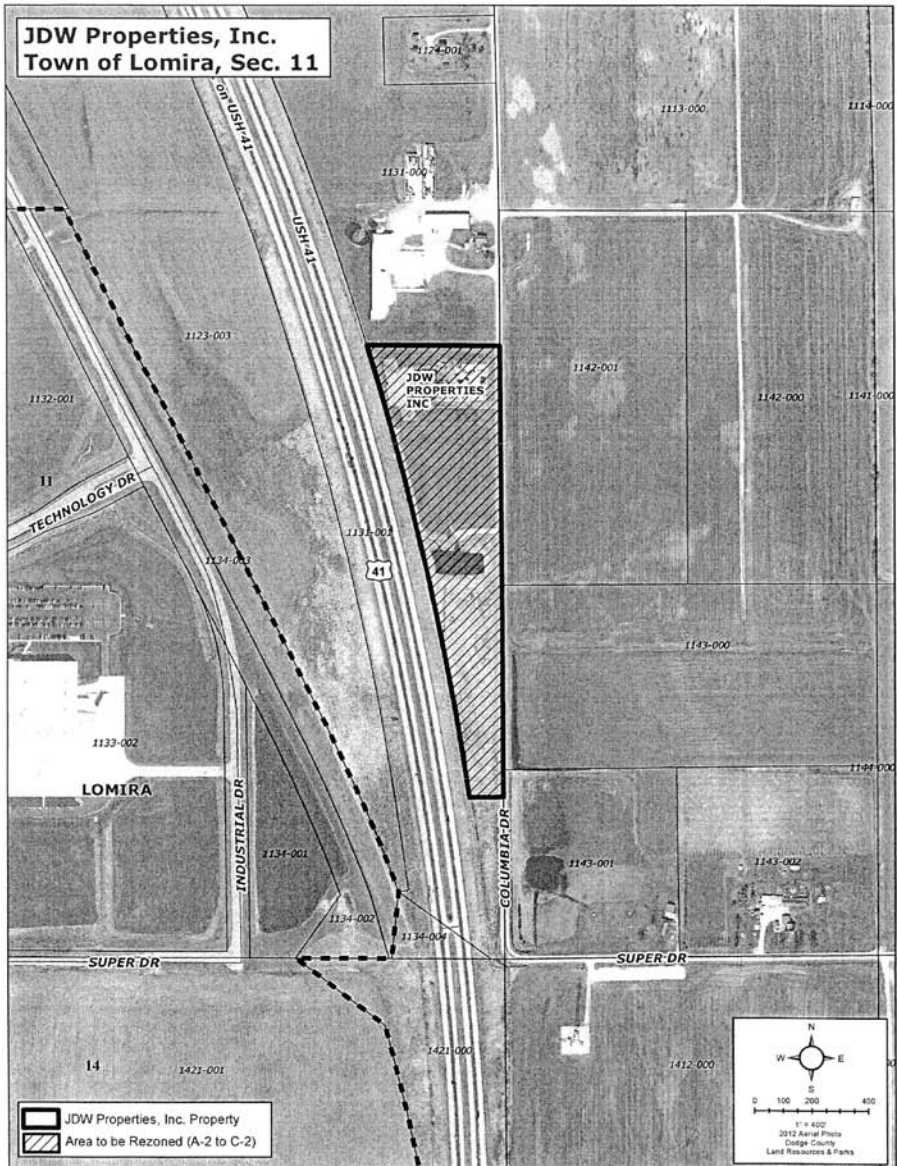
Section 3. All ordinances or parts of ordinances inconsistent with or in contradiction of the provisions of this Ordinance are hereby repealed.

Adopted and Approved this 15th day of October, 2013.

Russell Kottke  
Russell Kottke  
Chairman

Karen J. Gibson  
Karen J. Gibson  
County Clerk

# OCTOBER SESSION



# PROCEEDINGS OF THE DODGE COUNTY BOARD

REPORT 2

TO THE HONORABLE DODGE COUNTY BOARD OF SUPERVISORS

We, the Dodge County Planning, Development and Parks Committee, hereby report favorably on the petition of Robert and Kathleen Schraufnagel Trust requesting amendment of the Land Use Code, Dodge County, Wisconsin, to rezone approximately 2.5-acres of land from an A-1 Prime Agriculture Zoning District to an A-2 General Agriculture Zoning District in the NE ¼, SE ¼, Section 8, Town of Leroy, for the purpose of creating a non-farm residential lot and recommend adoption of the attached ordinance.

The committee has reviewed and considered the facts presented in the application and received at the public hearing and finds that the criteria listed in Section 2.3.4.1 of the Dodge County Land Use Code can be met for this proposal. The committee finds that the proposal is consistent with the Dodge County Comprehensive Plan and the stated purposes of the Dodge County Land Use Code. The committee finds that the proposal will not result in significant adverse impacts upon the surrounding properties or the natural environment and further finds that the land proposed for rezoning is suitable for development and will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas. The committee finds that the proposal will not be used to legitimize or spot zone a nonconforming use or structure and finds that the rezoning is the minimum action necessary to accomplish the intent of the petition.

Respectfully submitted this 15th day of October, 2013.

ADOPTED  
BY DODGE COUNTY BOARD

OCT 15 2013

AYES 37 NOES 0  
ABSENT \_\_\_\_\_  
ABSTAIN 0

*Karen J. Silson*  
County Clerk

*Tom Schaefer*  
Tom Schaefer

*Allen Behl*  
Allen Behl

*Randy Gebel*  
Randy Gebel

*Joseph Marsik*  
Joseph Marsik

*William T. Muehe*  
William Muehe

Planning, Development and Parks Committee



## OCTOBER SESSION

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Ordinance No. 913

An ordinance amending the Land Use Code, Dodge County, Wisconsin by placing certain lands in Section 8, T13N, R16E, Town of Leroy, in the A-2 General Agriculture zoning district.

Whereas the subject matter of this ordinance has been duly referred to and considered by the Dodge County Planning, Development and Parks Committee and a public hearing having been held, after the giving of requisite notice of said hearing and a recommendation thereon having been reported to the Board of Supervisors, Dodge County, Wisconsin as required by Section 59.69 of the Wisconsin Statutes.

Whereas the Dodge County Planning, Development and Parks Committee has reviewed and considered the facts presented in the application and received at the public hearing relating to the subject matter of this ordinance for compliance with the criteria listed in Section 2.3.4.I of the Dodge County Land Use Code.

Whereas the Dodge County Planning, Development and Parks Committee has found that the criteria listed in Section 2.3.4.I of the Dodge County Land Use Code can be met for this proposal and has further found that the proposal is substantially consistent with the Dodge County Comprehensive and Farmland Preservation Plan and the stated purposes of the Dodge County Land Use Code. Furthermore, this Committee has found that the proposal will not result in significant adverse impacts upon the surrounding properties or the natural environment, that the land proposed for rezoning is suitable for development and will not have an unreasonable effect on rare or irreplaceable natural resources, that the proposal will not significantly impair or limit current or future agricultural use of the adjacent properties, be used to legitimize or spot zone a nonconforming use or structure and that the rezoning petition is the minimum action necessary to accomplish the intent of the petition.

The County Board of Supervisors of the County of Dodge do ordain as follows:

Section 1. The "official zoning map" adopted with the Land Use Code, Dodge County, Wisconsin on March 21, 2000 is hereby amended as shown on the map attached hereto and made part of this ordinance.

Section 2. This ordinance shall be effective upon passage.

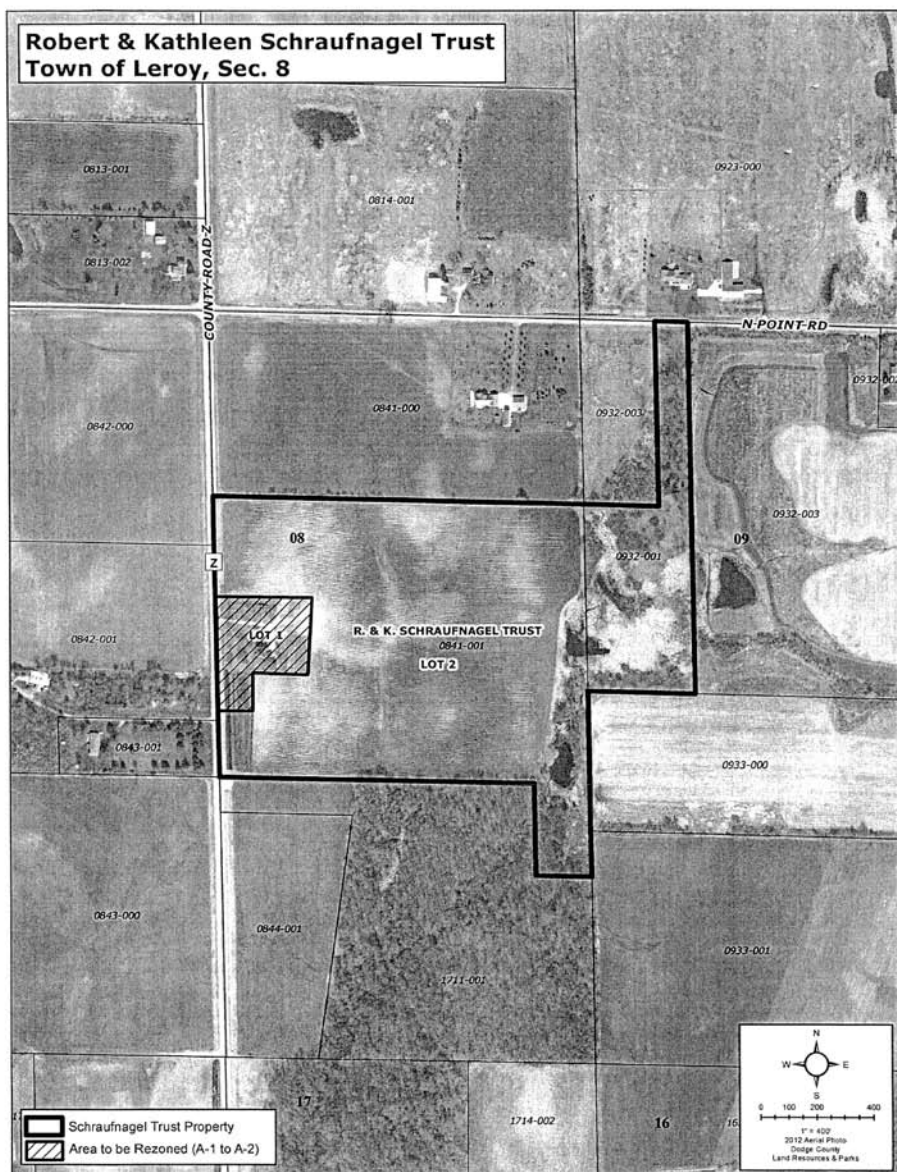
Section 3. All ordinances or parts of ordinances inconsistent with or in contradiction of the provisions of this ordinance are hereby repealed.

Adopted and Approved this 15th day of October, 2013.

Russell Kottke  
Russell Kottke  
Chairman

Karen J. Gibson  
Karen J. Gibson  
County Clerk

# PROCEEDINGS OF THE DODGE COUNTY BOARD



## OCTOBER SESSION

TO THE HONORABLE DODGE COUNTY BOARD OF SUPERVISORS

We, the Dodge County Planning, Development and Parks Committee, hereby report favorably on the petition of the Dodge County Planning, Development and Parks Committee requesting amendment of certain sections of the Land Use Code, Dodge County, Wisconsin as described in "Exhibit A", and recommend approval of the ordinance as proposed.

The Committee has considered the proposal in accord with Section 2.3.3.1 of the Dodge County Land Use Code and finds that the proposed amendments to the Land Use Code are necessary in order to bring the wind energy system provisions into compliance with the applicable Wisconsin State Statutes and the Wisconsin Administrative Codes regulating wind energy systems. The Committee has found that the Land Use Code amendments as proposed meet the challenge of changing conditions, they are consistent with the Dodge County Comprehensive Plan and the stated purposes of the Code, they will protect the health, safety and general welfare of the general public, and they will not result in significant adverse impacts on the natural environment. Furthermore, the Committee has found that the criteria listed in Section 2.3.3.1 of the Dodge County Land Use Code can be met for these amendments.

Respectfully submitted this 15th day of October, 2013

ADOPTED  
BY DODGE COUNTY BOARD

OCT 15 2013

AYES 32 NOES 0  
ABSENT 0  
ABSTAIN 0

*Karen J. Gibson*  
County Clerk

*Tom Schaefer*  
Tom Schaefer

*Allen Behl*  
Allen Behl

*Randy Grebel*  
Randy Grebel

*Joseph Marsik*  
Joseph Marsik

*William T. Muehe*  
William Muehe

Planning, Development and Parks  
Committee

# PROCEEDINGS OF THE DODGE COUNTY BOARD

Ordinance No. 914

An Ordinance amending the Land Use Code, Dodge County, Wisconsin.

Whereas the subject matter of this Ordinance has been duly referred to and considered by the Dodge County Planning, Development and Parks Committee and a public hearing having been held, after the giving of requisite notice of said hearing and a recommendation thereon having been reported to the Board of Supervisors, Dodge County, Wisconsin as required by Section 59.69 of the Wisconsin Statutes.

Whereas the Dodge County Planning, Development and Parks Committee has reviewed the proposed amendments to the Dodge County Land Use Code and has considered the facts presented at the public hearing relating to the subject matter of this Ordinance for compliance with the criteria listed in Section 2.3.3.1 of the Dodge County Land Use Code.

Whereas the Dodge County Planning, Development and Parks Committee has found that the proposed code amendments are necessary in order to bring the wind energy system regulations into compliance with the applicable Wisconsin State Statutes and the Wisconsin Administrative Codes and the Committee has found that the amendments meet the challenge of changing conditions, the amendments are consistent with the Dodge County Comprehensive Plan and the stated purposes of the code and the amendments will not result in significant adverse impacts on the natural environment.

Whereas the Dodge County Planning, Development and Parks Committee has found that the criteria listed in Section 2.3.3.1 of the Dodge County Land Use Code can be met for this code amendment that is the subject matter of this Ordinance and has further found that said amendment will protect the health, safety, and general welfare of the general public.

The County Board of Supervisors of the County of Dodge do ordain as follows:

Section 1. Be it resolved that the amendment to the Land Use Code, Dodge County Wisconsin as represented by "Exhibit A" attached to and made a part of this Ordinance be and hereby is approved and adopted, by the Board of Supervisors of Dodge County, Wisconsin.

Section 2. This Ordinance shall be effective upon passage and publication.

Section 3. All ordinances or parts of ordinances inconsistent with or in contradiction of the provisions of this Ordinance are hereby repealed.

Adopted and approved this 15 day of October, 2013.

Russell Kottke  
Russell Kottke  
Chairman

Karen J. Gibson  
Karen J. Gibson  
County Clerk

## OCTOBER SESSION

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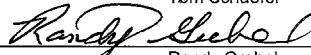
### PETITION TO AMEND THE LAND USE CODE OF DODGE COUNTY, WISCONSIN


We, the Dodge County Planning, Development and Parks Committee, petition to amend the Wind Energy Overlay District provisions of the Land Use Code, Dodge County Wisconsin as shown in "Exhibit A"

The intent of the petition is to update certain provisions of the Land Use Code that are related to the regulation of wind energy systems in order to bring the Code into compliance with the applicable Wisconsin State Statutes and the Wisconsin Administrative Code.

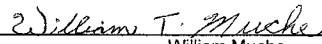
Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

  
Tom Schaefer

  
Randy Grebel

  
Allen Behl

  
Joseph Marsik

  
William Muehe

Planning, Development and Parks Committee

# PROCEEDINGS OF THE DODGE COUNTY BOARD

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## Exhibit A

*Proposed changes:*

*Additions in text are indicated by underline; deletions by ~~single strikethrough~~.*

1. ~~Delete Chapter 4.11 WIND ENERGY SYSTEM OVERLAY DISTRICT.~~
2. Re-create Chapter 4.11 WIND ENERGY SYSTEM OVERLAY DISTRICT as follows:

### 4.11 WIND ENERGY SYSTEM OVERLAY DISTRICT

#### 4.11.1 General

##### 4.11.1.A Statutory Authority

These overlay district regulations are adopted pursuant to Wisconsin State Statutes Section 59.69, 66.0401 and 66.0403 and Wisconsin Administrative Code PSC 128.

4.11.1.A.1 Whenever any provision of the overlay district regulations refer to or cites a section of the Wisconsin State Statutes or Administrative Code and that section is later amended or superseded, the overlay district regulations shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

##### 4.11.1.B Purpose and Intent

The purpose and intent of this Overlay District is to promote and protect the health, safety and general welfare of the people and Communities within Dodge County by providing for the effective regulation of wind energy system facilities in Dodge County under the authority granted by the Wisconsin Statutes.

##### 4.11.1.C Applicability

The jurisdiction of this Wind Energy System Overlay District shall include those areas that are subject to the Dodge County Land Use Code regulations contained within this Code.

##### 4.11.1.D Principal or Accessory Use

A WES may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a WES on such lot. For purposes of determining whether the installation of a WES complies with setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the WES may be located on leased parcels or easements within such lots. Wind energy systems that are constructed and installed in accordance with the provisions of this Code shall not be deemed to constitute the expansion of a nonconforming use or structure.

##### 4.11.1.E Indemnification

The operator of a wind energy system facility shall defend, indemnify and hold harmless the County and Town and their officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever including attorney fees arising out of the acts or omissions of the operator concerning the operation of the wind energy system facility without limitation, whether said liability is premised on contract or on tort.

## OCTOBER SESSION

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### **4.11.2 Administration**

#### **4.11.2.A Wind Energy Systems**

All applicable rules, regulations, and laws as set forth in the Wisconsin State Statutes, Sections 66.0401 and 66.403, and the Wisconsin Administrative Code, Chapter PSC 128, are hereby adopted by reference and made a part of this section as if fully set forth herein.

#### **4.11.2.B Permits**

No WES shall be constructed, located, installed, reconstructed, enlarged, or relocated, including the placement of additional buildings or other supporting equipment used in connection with said WES, without first obtaining a Land Use Permit and a Conditional Use Permit, except as allowed under Subsection 4.11.2.B.1, and without full compliance with the provisions of this Code and all other applicable County and State requirements. The Committee may authorize the Land Use Administrator to issue a Land Use Permit for a WES after a Conditional Use Permit is issued pursuant to the procedures set forth in Subsection 2.3.6 of this Code and this subsection.

##### **4.11.2.B.1 Exception:**

A single "Personal Wind Energy System" (PWES) that is for use by the individual land owner on which the PWES is to be located, that is 75 feet or under in total height, and that has a nameplate capacity of less than 5 kilowatts may be located on a lot with a County Land Use Permit. No Conditional Use Permit will be required for a single PWES meeting these requirements. The location of two or more PWESs on a lot, the location of a PWES that exceeds 75 feet in total height or that has a nameplate capacity greater than 5 kilowatts and/or the location of any other wind energy system on a lot shall require a land use permit and conditional use permit in accordance with Subsection 4.11.2.B

##### **4.11.2.B.2 Conditional Use Permit Applications**

Applications for Conditional Use permits under this section shall be submitted to the Department in accordance with Subsection 2.3.6. The contents of the application shall include all applicable information required under PSC 128.30 Wis. Adm. Code. The exemptions listed under PSC 128.60 shall apply to an application that is submitted for a small wind energy system.

##### **4.11.2.B.3 Land Use Permit Applications**

Applications for Land Use permits under this section shall be submitted to the Department in accordance with Subsection 2.3.5. The contents of the application shall include all applicable information required under PSC 128.30 Wis. Adm. Code. The exemptions listed under PSC 128.60 shall apply to an application that is submitted for a small wind energy system.

##### **4.11.2.C Effective Date of Permits**

Land Use Permits and Conditional use permits shall be effective beginning on the date of approval and shall remain effective for the period indicated on the permit.

##### **4.11.2.D Preservation of Rights**

The transfer of title to any property shall not change the rights and duties under this Code.

### **4.11.3. Requirements**

**4.11.3.A** All wind energy systems shall meet or exceed the applicable rules, regulations and laws as set forth in the Wisconsin State Statutes, Sections 66.0401 and 66.0403, the Wisconsin Administrative Code, Chapter PSC 128, the Federal Aviation Administration (FAA) regulations and any other applicable Federal, State and County regulations.

# PROCEEDINGS OF THE DODGE COUNTY BOARD

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4.11.3.B In accord with the authority granted under Section 66.0401(4)(f)(2), Wisconsin Statutes, the County may deny an application for a wind energy system, that has a nominal capacity of at least one megawatt, if the proposed site of the wind energy system is located in an area primarily designated for future residential or commercial development as shown on the County's Future Land Use Map which was adopted as part of the County's comprehensive plan.

**3. Amend Section 1.2 AUTHORITY as follows:**

**1.2.1** This Code is adopted pursuant to the enabling authority contained in Wisconsin Statutes (Wis. Stat.) generally, and specifically:

- 1.2.1.A** 59.70(5) (Sanitary Ordinance);
- 1.2.1.B** 59.69 (Wireless Communication Facilities Ordinance; Land Spreading Ordinance);
- 1.2.1.C** 59.69 (Zoning Ordinance);
- 1.2.1.D** 59.69 (Highway Setback Ordinance);
- 1.2.1.E** 59.692 (Shoreland Wetland Zoning Ordinance);
- 1.2.1.F** 87.30 (Floodplain Ordinance);
- 1.2.1.G** 236.45 (Subdivision Ordinance); and
- 1.2.1.H** 114.136 (Airport Ordinance); and
- 1.2.1.I** 295.13(1), 59.51, NR 135.32 (Non-Metallic Mining Reclamation Ordinance); and
- 1.2.1.J** 703.115 (Condominiums); and
- 1.2.1.K** 59.693 (Construction site erosion control and stormwater management).
- 1.2.1.L** 59.69, 66.0401, 66.0403 (Wind Energy System Overlay District)

**4. Create Section 3.7.1.G as follows in order to allow personal wind energy systems as an allowed use in the A-1 Prime Agricultural Zoning District:**

**3.7.1.G** Personal wind energy systems.

**5. Amend Table 3.6-1 as follows:**

Add the following uses and permit requirements under the "Manufacturing and Production" category as follows:

7. Wind energy system (Conditional use in all districts) Reference Section 4.11.

8. Personal wind energy system meeting requirements of Section 4.11.2.B.1 (Allowed use in all districts) Reference Section 4.11.2.B.1

**6. Create Section 5.2.4.E as follows:**

**5.2.4.E Wind Energy Systems**

Wind Energy systems are exempt from the zoning district height requirements of this Code; however

**5.2.4.E.1** Wind Energy systems shall comply with the applicable height restrictions in PSC 128.13 Wisconsin Administrative Code.

**5.2.4.E.2** Small wind energy systems shall comply with the applicable height restrictions in PSC 128.61 Wisconsin Administrative Code.

**5.2.4.E.3** Personal wind energy systems shall be restricted to a maximum height of 75 feet.



7. Amend Section 12.2 Definitions as follows:

**Personal Wind Energy System**

Personal wind energy system shall mean equipment that converts and then stores or transfers energy from the wind into usable forms of energy for use by the individual land owner on the same property on which the wind energy system is located.

Personal wind energy system shall mean a small wind energy system that consists of an individual wind turbine that has an installed nameplate capacity of not more than 5 kilowatts, has a total height of not more than 75 feet and that is intended for use by the individual land owner on which the wind energy system is located.

**Small Wind Energy System**

Small wind energy system shall mean a wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

**Wind Energy System (WES)**

Wind Energy System (WES) shall mean equipment that converts and then stores or transfers energy from the wind into usable forms of energy.

Wind energy system shall mean equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy.

**Wind Energy System Facility**

Wind energy system facility shall mean all of the land and equipment used by the wind energy system and its support facilities including the wind turbine, tower, access roads, control facilities, maintenance facilities and all power collection and transmission systems.

**Wind Energy System Tower**

Wind energy system tower shall mean any structure that is designed and constructed primarily for the purpose of supporting a wind energy system and includes self-supporting lattice towers or monopole towers.

**Wind Energy System Tower Site**

Wind energy system tower site shall mean the land area encompassing a tower and all related equipment, structures paved or graveled areas, fencing and other items used in connection with said tower.

**Wind Turbine**

Wind turbine shall mean a mechanical device which captures the kinetic energy of the wind and converts it into electricity. The primary components of a wind turbine are the blade assembly, electrical generator and tower.